

38. ²⁸ (NEW) ^{28 30} An assembly as set forth in claim 37 wherein said adjustment components include a female member (20) and a male member (18) slidably disposed in said female member (20) including complementary keyways (38, 40) for rotary orientation of the male member (18) relative to the female member (20).

39. ²⁹ (NEW) ^{28 31} An assembly as set forth in claim 38 wherein said male member (18) presents an internal limit surface (42) for engaging an inner end (32) of said pillar (36) to limit insertion of said male member (18) into said female member (20) to define the shortest overall length of said conduit.

40. ³³ (NEW) ^{27 30} An assembly as set forth in claim 37 wherein said adjustment components include a female member (20) and a male member (18) slidably disposed in said female member (20), said pillar (36) being slidably disposed in said male member (18).

REMARKS

Claims 4-40 remain in the application including independent claims 4, 18, 19, 20, 30, and 37. Claims 1-3 have been cancelled. Claim 4 has been rewritten in independent form to include all limitations of the base claim and any intervening claims. New claims 20-40 have been added.

Applicant submitted United States Patent No. 4,753,123 to Stormont (Stormont US '123) in a supplemental information disclosure statement submitted to the Patent Office in June 1999. European Patent No. 0312282B1 to Stormont (Stormont EP) claims priority to the Stormont US '123 patent. Applicant believed that the Stormont EP patent was identical to the Stormont US '123 patent. During the course of litigation it has come to Applicant's attention that the Stormont EP patent contains a paragraph (col. 6 lines 1-14) that was not included in the original Stormont US '123 patent. Thus, Applicant subsequently submitted the Stormont EP patent to the Patent Office on September 29, 1999.

The Stormont EP and US '123 patents are directed toward a pull-cable adjuster device for a brake or clutch pedal. The cable adjuster device includes a housing 11 and a rod 12 that moves longitudinally with respect to the housing 11 during adjustment. A spring 19 is supported on a cup washer 20 fixed to the housing 11. A disc 22 is mounted

at one end of the rod 12 and serves as a reaction surface for the spring 19. The spring 19 is biased to urge the rod 12 to the right in Figure 1. A collet 12, a release tube 30, and a locking member 40 are all supported on the rod 12. To install the cable, the locking member 40 is rotated into a position shown in Figures 1, 3, and 9 in which the rod 12 passes freely through the locking member 40. The locking member 40 and the release tube 30 are moved axially into the housing 11 to cause the collet teeth 13a to disengage the rod teeth 12a. Tension is applied to the rod 12 to withdraw the rod 12 from the housing 11 to an extended position, which compresses the spring 19. The locking member 40 is then rotated to engage the locking serrations 46 with the rod teeth 12a to prevent the rod 12 from retracting into the housing 11. The device is then connected into a slack cable run by attachments to the housing 11 and rod 12. The locking member 40 is then rotated back to the unlocked position in which the rod 12 moves freely through the locking member 40. The spring 19 then retracts the rod 12 into the housing 11 until the spring 19 reaches full extension commensurate with the tension in the cable run. The collet teeth 13a are then re-engaged with the rod teeth 12a by a retaining spring 17. See col. 4 line 44 to col. 5 line 44.

The additional paragraph in the Stormont EP patent contemplates an alternate embodiment from what is shown in the drawings, col. 6, lines 1-14. In the suggested alternate embodiment, the adjustment device is connected into a run of conduit that is connected to the tube and rod. The core element extends through the rod and housing. There is no further description of this embodiment, so that one skilled in the art is left to guess as to how the adjustment device would be redesigned to accommodate such a configuration.

In addition to explaining the reason why Applicant has submitted the European patent that corresponds to a U.S. patent that has already been considered, Applicant has added new independent claims 20, 30, and 37. Claim 20 is directed toward a motion transmitting remote control assembly including male and female adjustment components in telescoping relationship with each other for adjusting the overall length of first and second conduit sections and which includes a coil spring supported on the male member for interacting between the adjustment components to bias the components together to shorten the overall length of the first and second conduit sections. Claim 30 is a method claim directed toward a method for adjusting the length of a motion transmitting remote control assembly including the steps of installing the motion transmitting remote control

assembly in a vehicle, biasing the adjustment components together after installation to shorten the overall length of the first and second conduit sections, and moving the locking member to a locked position to prevent relative movement between the adjustment components after biasing the components together. Claim 37 is directed toward a motion transmitting remote control assembly including male and female adjustment components in telescoping relationship with each other for adjusting the overall length of first and second conduit sections, and which includes a pillar extending into the adjustment components with a bore for receiving the core element and a coil spring interacting between the adjustment components to bias the components together to shorten the overall length of the first and second conduit sections. None of the cited references disclose such an apparatus or a method.

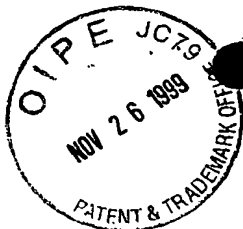
For the reasons set forth above, the claims 4-40 define over the prior art, and an early indication of such is earnestly solicited. A check for \$558.00 is enclosed herewith to cover the cost of two (3) additional independent claims and eighteen (18) additional dependent claims. The Commissioner is authorized to charge Deposit Account No. 08-2789, in the name of Howard & Howard Attorneys, P.C., for any additional fees or credit the account for any overpayment.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that the enclosed **Supplemental Amendment** is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to the **Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231**, on this **16th** day of **November, 1999**.

Brenda J. Hughes
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